

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ERIC KALB

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CRIMINAL ACTION NO. 16-12

ORDER

This 21st day of October, 2016, following oral argument, it is hereby **ORDERED**¹ as follows:

- 1) Defendant's Motion to Dismiss Count One of the Indictment is **GRANTED**.
- 2) Defendant's Motion to Exclude Evidence of Prior Convictions is **DISMISSED** as moot based upon the Government's response.
- 3) Defendant's Motion to Suppress any evidence obtained pursuant to the vehicle stop conducted by Norristown Police on September 13, 2014, is **GRANTED**, and the government is precluded from using any evidence obtained pursuant to that stop, and in particular Defendant's statement to Upper Merion Police.
- 4) Defendant's Motion to Exclude Emergency 911 Call is **DENIED**. The Government may seek admission of the content of the call under the "business records" exception to the hearsay rule, provided that it can lay a proper foundation for the accuracy and reliability of the content of the records at trial.

¹ A memorandum explaining each ruling will be issued. This order communicating the Court's conclusions is being entered now because trial is imminent.

- 5) Defendant's Motion to Limit Case Agent Testimony is **DEFERRED** until trial, where the Government will be requested to make an offer of proof and demonstrate the ability to lay proper foundation for any testimony to be elicited.

/s/ Gerald Austin McHugh
United States District Judge